



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue  
Seattle, WA 98101  
APR 21 2003

U/A 2302  
4/21/03  
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Reply To  
Attn Of: ORC-158

**URGENT LEGAL MATTER--PROMPT REPLY NECESSARY**  
**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Starlink Logistics Inc.  
2 TW Alexander Drive  
Research Triangle Park, NC 27709

Re: Request for Information Pursuant to Section 104(e) of CERCLA and Section 3007 of RCRA,  
Former Rhone-Poulenc, Inc. Facility  
RCRA Facility ID: WAD 00928 2302

Dear Reader:

The United States Environmental Protection Agency (EPA) is seeking information concerning those persons responsible for the cleanup of the former Rhone-Poulenc facility on Marginal Way in Seattle, Washington, and their ability to undertake or finance that cleanup. My research of the publicly available information suggests that, at a minimum, Rhone-Poulenc Inc.'s successors may include:

- Bayer CropScience LP (formed 12/21/99, Delaware)
- Starlink Logistics Inc. (inc. 12/22/99, Delaware)
- Bayer CropScience, Inc. (inc. ?, New York)
- Bayer CropScience Holding, Inc. (inc. 11/28/01, Delaware)
- Bayer CropScience USA LP (formed 5/10/02, ?)
- Bayer CropScience USA, Inc. (inc. 5/10/02, ?)
- Bayer CropScience USA Holding II, Inc. (inc. 5/10/02, Delaware)
- Bayer CropScience LLC (formed 10/18/02, Delaware)

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(e), and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927, you are hereby requested to respond to the Information Request set forth in the Enclosure to this letter.

While EPA seeks your voluntary cooperation in this investigation, compliance with the Information Request is required by law. Failure to provide a complete truthful response to this Information Request within thirty (30) days of your receipt of this letter, or to adequately justify such failure to respond, may subject you to an enforcement action by EPA pursuant to Section 104(e) of CERCLA and/or Section 3008 of RCRA. Each of these statutes permits EPA to seek the imposition of penalties of up to twenty-five thousand dollars (\$ 25,000) for each day of non-compliance.

Please note that responses which are incomplete, ambiguous, or evasive may be treated as non-

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compliance with this Information Request. Also be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001 or Section 3008(d) of RCRA, 42 U.S.C. § 6928(d).

Your response to this Information Request should be mailed to:

Jennifer G. MacDonald  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 10  
1200 Sixth Ave, ORC-158  
Seattle, Washington 98101

If you have questions concerning the former Rhone-Poulenc Facility or this Information Request, please contact Jennifer G. MacDonald at (206) 553-8311.

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond promptly, EPA strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the time specified above.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Albright", written over a horizontal line.

Richard Albright, Director  
Office of Waste & Chemicals Management

Enclosures

**INFORMATION REQUEST FOR  
FORMER RHONE-POULENC FACILITY**

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**Period Being Investigated:** 1993 to present

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This enclosure includes a declaration, detailed instructions for responding to this request, and definitions of words such as "Respondent", and "identify" used in the questions. In addition:

- ◆ Answer each question with respect to the period being investigated noted above unless the question indicates otherwise.
- ◆ Answer all questions completely in accordance with the definitions and instructions.
- ◆ Complete and return the enclosed declaration.
- ◆ For each question, identify all persons and documents relied upon in the preparation of the answer.
- ◆ All information provided for which you are making a claim of business confidentiality or which contains personal privacy information should be contained on separate sheets and clearly marked as confidential or private.
- ◆ This request imposes a continuing obligation upon you to submit responsive information discovered after your original response is submitted to EPA.

## INFORMATION REQUEST DEFINITIONS

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in Section 101 of CERCLA, 42 U.S.C. § 9601, et seq., Section 1002 of RCRA, 42 U.S.C. § 6901, et seq., or Volume 40 of the Code of Federal Regulations (CFR), in which case such statutory or regulatory definitions shall apply.

The following definitions shall apply to the following words as they appear in this Enclosure:

1. The term "you" or "Respondent" shall mean Starlink Logistics Inc., Starlink Logistics Inc.'s officers, managers, employees, contractors, trustees, successors, assigns, and agents, and any predecessor or successor corporations or companies.

2. The terms "document" and "documents" shall mean any method of recording, storing, or transmitting information. "Document" shall include, but not be limited to:

- (a) writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including (by way of illustration and not by way of limitation) any of the following:
  - 1. invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order;
  - 2. letter, correspondence, fax, telegram, telex;
  - 3. minutes, memorandum of meetings and telephone and other conversations, telephone messages;
  - 4. agreement, contract, and the like;
  - 5. log book, diary, calendar, desk pad, journal;
  - 6. bulletin, circular, form, pamphlet, statement;
  - 7. report, notice, analysis, notebook;
  - 8. graph or chart; or
  - 9. copy of any document.
- (b) microfilm or other film record, photograph, or sound recording on any type of device;
- (c) any tape, disc, or other type of memory generally associated with computers and data processing, together with:
  - 1. the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory; and

2. printouts of such punch card, disc, or disc pack, tape or other type of memory; and
  - (d) attachments to, or enclosures with, any document as well as any document referred to in any other document.
3. The term "identify" or "provide the identity of" means, with respect to a natural person, to set forth: (a) the person's full name, (b) present or last known business and home addresses and telephone numbers; and (c) present or last known employer (include full name and address) with job title, position, or business.
4. The term "identify" or "provide the identity of" means, with respect to a corporation, partnership, business trust, government office or division, or other entity (including a sole proprietorship), to set forth: (a) its full name; (b) complete street address; (c) legal form (e.g., corporation, partnership, etc.); (d) the state under whose laws the entity was organized; and (e) a brief description of its business.
5. The term "identify" or "provide the identity of" means, with respect to a document, to provide: (a) its customary business description (e.g., letter, invoice); (b) its date; (c) its number if any (e.g., invoice or purchase order number); (d) the identity of the author, addressor, addressee, and/or recipient; and (e) a summary of the substance or the subject matter. Alternatively, Respondent may provide a copy of the document.
6. The term "facility" shall mean and include the property formerly owned and operated by Rhone-Poulenc Inc. on Marginal Way in Seattle, Washington currently identified by EPA as the former Rhone-Poulenc facility.

## INFORMATION REQUEST INSTRUCTIONS

1. Answer Every Question Completely. You are required to provide a separate answer to each and every question and subpart of a question set forth in this Information Request. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject you to the penalties set out in the cover letter.
2. Number Each Answer. Number each answer with the number of the question to which it corresponds.
3. Provide the Best Information Available. You must provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
4. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Submit Documents with Labels Keyed to Question. For each document produced in response to this Information Request, indicate on the document (or in some other reasonable manner) the number of the question to which it responds.
6. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), and Section 3007 of RCRA, 42 U.S.C. § 6927, that you supplement your response to EPA. Failure to supplement your response within thirty (30) days of discovering such responsive information may subject you to \$ 25,000 per day penalties. If, at any time after the submission of this response, you discover or believe that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response. If any part of the response to this Information Request is found to be false, the signatory to the response and the company may be subject to criminal prosecution.
7. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as "trade secret" or "proprietary" or "company confidential". Personal financial information, including individual tax returns, may also be claimed as confidential. In addition, please note that you bear the burden of substantiating your confidentiality claim. Your claim of confidentiality should be supported by the submission of information supporting such a claim; the type of information to be submitted is set out in 40 C.F.R. Part 2. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. §§ 2.201-2.311. **If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.** You should read the above-cited regulations carefully before asserting a business confidentiality claim, since certain categories of

information are not properly the subject of such a claim.

8. Disclosure to EPA Contractor. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that EPA may disclose all responses to this Information Request to Industrial Economics Inc. for the purpose of analyzing the information contained in the responses to this Information Request. **If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.**

9. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information". You should note, however, that unless prohibited by law, EPA may disclose this information to the general public without further notice to you. (Please see Instruction 7 for information concerning treatment of individual tax returns.)

10. Objections to Questions. While the Respondent may indicate that it objects to certain questions in this Information Request, it must provide responsive information notwithstanding those objections. To object without providing responsive information may subject Respondent to the penalties set out in the cover letter.

## INFORMATION REQUEST QUESTIONS

**NOTE: All questions in this section refer to the present time unless otherwise indicated.**

1. General Information About Respondent

- a. Provide the full legal name and mailing address of the Respondent.
- b. For each person answering these questions on behalf of Respondent, provide:
  - i. full name;
  - ii. title;
  - iii. business address;
  - iv. business telephone number and FAX machine number.
- c. If Respondent wishes to designate an individual for all future correspondence concerning this matter, including any legal notices, please so indicate here by providing that individual's name, address, telephone number, and FAX number.
- d. Describe the nature of Respondent's current business, including, but not limited to, a brief description of the major products or services Respondent manufactures or provides.
- e. List the Standard Industrial Classification (SIC) code for the Respondent's business.
- f. Provide the names of all Superfund sites throughout the country for which Respondent has received notification of its potential liability from EPA.
- m. Provide the names of all Superfund sites throughout the country for which Respondent has received a request for information from EPA.

2. Respondent's Legal and Financial Status

- a. State the number of Respondent's current employees.
- b. State the annual average number of persons employed by Respondent for the past five (5) years.
- c. If the Respondent has ever done business under any other name:
  - i. list each such name; and
  - ii. list the dates during which such name was used by Respondent.
- d. Provide the audited financial statements (i.e., auditor's opinion, balance sheet, income



statement, statement of cash flows, notes) complete with all schedules and attachments for the last five years. If audited financial statements were not prepared, unaudited versions are acceptable.

e. Provide signed copies of the federal income tax returns, complete with all schedules and attachments, for the last five years.

f. If Respondent is a corporation,

- i. provide the date of incorporation;
- ii. provide the state of incorporation;
- iii. provide the agent for service of process;
- iv. identify the current officers;
- v. identify the current directors;
- vi. identify the current shareholders owning more than 5 percent of Respondent's stock;
- vii. identify the names of all officers for the last five years;
- viii. identify the names of all directors for the last five years; and
- ix. identify the names of all shareholders owning more than 5 percent of the Respondent's stock at any time for the last five years.

g. If Respondent is a partnership,

- i. identify all current partners;
- ii. identify all partners for the last five years; and
- iii. provide the type of partnership (i.e. general, limited).

h. If Respondent is an LLC or LP, provide a complete copy of all member or partner agreements with all schedules, exhibits, amendments, or other attachments.

i. If Respondent is, or was at any time during the period from 1993 until now, a subsidiary of, otherwise owned or controlled by, or otherwise affiliated with another corporation or entity through common ownership, then describe the nature of each such business relationship, including but not limited to:

- i. a general statement of the nature of relationship;
- ii. the dates such relationship existed;

- iii. the percentage of ownership of Respondent that is held by such other entity; and
- iv. for each such affiliated entity provide the names and complete addresses of its parent, subsidiary, and otherwise affiliated entities.

j. Identify all of Respondent's predecessors-in-interest and provide a description of the relationship between Respondent and each of those predecessors-in-interest. Provide all documents that relate to the relationship between Respondent and its predecessors-in-interest.

k. If Respondent no longer exists as a legal entity because of dissolution provide:

- i. a brief description of the nature and reason for dissolution;
- ii. the date of dissolution;
- iii. documents memorializing or indicating the dissolution of the entity; and
- iv. a statement of how and to whom the entity's assets were distributed.

l. If Respondent no longer exists as the same legal entity it was during the period from 1993 to the present because of transactions involving asset purchases or mergers, provide:

- i. the documents that embody the terms of such transactions complete with all schedules and attachments (i.e., purchase agreements, merger and dissolution agreements, etc.);
- ii. the identities of the seller, buyer, and any other parties to such transactions; and
- iii. a brief statement describing the nature of the asset purchases or mergers.

Bayer CropScience information request letters  
April, 2003

CONCURRENCES:

INITIALS <small>ES</small>	<i>cab</i>	see below	<i>GM</i>		POLICY FILE		RCRIS INFO SUBMITTED	
NAME <small>ES</small>	BROWN	PEER REVIEW	MACDONALD		YES	<u>NO</u>	YES	<u>NO</u>
DATE <small>ES</small>	<i>4-22-03</i>	see below	<i>4/22/03</i>				ATTACHED	

PEER REVIEW:

INITIALS <small>ES</small>					
NAME <small>ES</small>	HEDEEN	ORLEAN	MEYER	PALUMBO	FISHER
DATE <small>ES</small>					